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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,887	07/15/2003	Peter J. Cipriani	OCLZ 2 00004	7455
27885	7590	09/17/2007		
FAY SHARPE LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER HENRY, RODNEY M	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 09/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/619,887

**Applicant(s)**

CIPRIANI, PETER J.

**Examiner**

Henry M. Henry

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/15/2003</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following is a non-final, first office action on the merits. Claims 1-18, as originally filed, are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Aubertin et al. (US2002/0069108 A1)

As per claim 1, Aubertin teaches a method of conducting a business transaction over the Internet, comprising:

offering one of a product and a service for sale over the Internet (See [0130], the Administrator creates a series of Web Pages displaying all the products that can be purchased by Potential Supporters);

purchasing said one of a product and a service for financial compensation (See [0130], via a supporter purchases a product);

forwarding a portion of said financial compensation to a third-party institution (See [130]; via a certain percentage (preferably anywhere from 25-50%) is sent to the fundraising organization); and

applying financial credit in the amount of said portion of said financial

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compensation to an account of at least one enrollee enrolled in the third party institution (See [0132], amount collected is shown for each participant).

As per claim 2, Aubertin teaches recruiting customers by subscribing to a profit sharing service provider (See [0140], may purchase a list of e-mail addresses from a marketing company).

As per claim 3, Aubertin teaches the recruiting step includes the profit sharing service provider conducting a marketing campaign (See [0095], the Administrator must first collect information about the Fundraising Organization before a Campaign can be created, Fig 2.).

As per claim 4, Aubertin teaches the marketing campaign seeks to acquire school participation (See [0095], the Administrator collects information about the fundraising organization before a campaign can be created via groups (e.g., school, church, etc...)).

As per claim 5, Aubertin teaches the School administrators setting up accounts for students at their institutions, thereby allowing supporters of students of participants schools to purchase said one of a product and a service over the Internet (See Figs 21 and 22 where accounts for each student are set up and credited based on supporter purchases [0132 and 0133]).

As per claim 6, Aubertin teaches a method of enabling a four-way business transaction between a consumer, a merchant, a manager, and an educational institution comprising:

a manager providing a consumer with access to an on-line merchant, the

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consumer being associated with a student of an educational institution (See [0130], the Administrator displaying all the products that can be purchased and [0157], when a Supporter makes a purchase in support of a Campaign, she is given the opportunity to associate that purchase with a Participant);

the consumer conducting a business transaction with the on-line merchant wherein funds are transferred from the consumer to the on-line merchant (See [0131], if the Administrator is a vendor involved in e-commerce via the Administrator would collect money and maintain a higher percentage (preferable around (50-75%));

the manager receiving from the merchant a portion of the funds transferred by the consumer in the business transaction with the merchant (See [0130], a certain percentage (preferably around 10%) of the purchase price is kept by the Administrator);

and the manager crediting at least a percentage of the portion of funds received by the manager to the account of the student of the educational institution (See [0132], Fig21, the Total amount collected is shown for each participant).

As per claim 7, Aubertin further includes the step of initiating recruitment for consumers (See [0124] the Campaign Manager may compose an initial Solicitation Message to send to all Potential Supporters).

As per claim 8, Aubertin teaches the recruitment includes a marketing campaign by the manager directed to prospective educational institution participants (See [0120]; via the Campaign Manager can compose one e-mail message that will be sent to all Participants in the Sub-Group).

As per claim 9, it recites equivalent limitations as claim 5 and is therefore

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rejected using the same art and rationale as set forth above.

As per claim 10, Aubertin teaches building an Internet portal for access of the consumer (See [0130], The Administrator creates a series of Web Pages displaying all the products that can be purchased by Potential Supporters).

As per claim 11, Aubertin teaches the manager providing a summary report to the educational institution that reflects activity by consumers associated with the educational institution (See [0128], the Campaign Manager can get information about how the Campaign is progressing via This report may include statistics about, for example, total sales, the highest and lowest selling Participants).

As per claim 12, Aubertin teaches a method of tuition reimbursement for a school comprising:

associating with a website that provides access for consumers to online providers of at least one of services and products (See [0130], the Administrator via displaying all the products that can be purchased);

encouraging families with students at the school to participate in a profit sharing program (See [0130], the Administrator displaying all the products that can be purchased....When a Supported purchases a product, the Administrator collects the money for the product);

receiving funds from the website when consumers associated with students at the school make purchases from the on-line providers associated with the website (See [0157], when a Supporter makes a purchase in support of a Campaign, she is given the opportunity to associate that purchase with a Participant); and

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crediting funds received from the website to the accounts of students of the school associated with the consumers that made purchases from the on-line providers (See Fig 21 which shows the amount collected is shown for each participant [0132]).

As per claim 13, Aubertin teaches, the step of associating includes responding to a marketing campaign initiated by the website (See [0171], Fig 37 shows a sample solicitation message sent from a Participant to a Potential Supporter and [0173], a Potential Supporter following their personal hyperlink would arrive at a Home Page personalized for them).

As per claim 14, it recites equivalent limitations as claim 5 and is therefore rejected using the same art and rationale as set forth above.

As per claim 15, it recites equivalent limitations as claim 10 and is therefore rejected using the same art and rationale as set forth above.

As per claim 16, Aubertin teaches inviting friends and families of students of the school to participate in a profit sharing program (See [0140], the most effective way via asking friends and family for their email addresses).

As per claim 17, Aubertin teaches encouraging friends to purchase from the online providers via the school's association with the website ([See [0170], Fig 37.).

As per claim 18, Aubertin teaches receiving a report from the website that facilitates fund disbursement among students who participated in the profit sharing program. (See [0132], the Campaign Manager is able to see sales statistics for each Participant. Fig 21.).

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***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Upromise Website via [http://www.archive.org/web/web.php,](http://www.archive.org/web/web.php,http://wwwupromise.com)  
<http://wwwupromise.com>, 2/7/2001.

Ziarno (U.S. 5,696,366) discloses a method of inducing giving and contributions, a graduation gift being one example of the monetary gift.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Monday through Friday from 7:30am to 5:00pm.

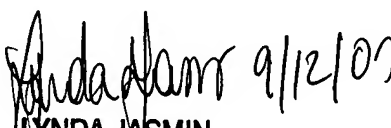
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMH

  
LYNDA JASMIN  
SUPERVISORY PATENT EXAMINER